



Foreign Agricultural Service

**GAIN Report**

Global Agriculture Information Network

Required Report - public distribution

Date: 8/3/2000

GAIN Report #TH0073

## **Thailand**

# **Food and Agricultural Import Regulations and**

## **Standards**

## **Country Report**

## **2000**

Approved by:

**Maurice House**

**U.S. Embassy**

Prepared by:

David Kiefner

---

### **Report Highlights:**

**No changes made.**

---

Includes PSD changes: No  
Includes Trade Matrix: No  
Annual Report  
Bangkok [TH1], TH

## **THAILAND: FOOD AND AGRICULTURAL IMPORT REGULATIONS AND STANDARDS (FAIRS)**

**Last Updated: July 1999**

Section(s) Last Updated: NEW

**DISCLAIMER:** This report has been prepared by Pacrim Associates Ltd for the Office of Agricultural Affairs of the USDA/Foreign Agricultural Service in Bangkok, Thailand for U.S. exporters of domestic food and agricultural products. While every possible care has been taken in the preparation of this report, information provided may be no longer complete nor precise as some import requirements are subject to frequent change. It is highly recommended that U.S. exporters ensure that all necessary customs clearance requirements have been verified with local authorities through your foreign importer before the sale conditions are finalized. FINAL IMPORT APPROVAL OF ANY PRODUCTS IS ALWAYS SUBJECT TO THE RULES AND REGULATIONS AS INTERPRETED BY THE COUNTRY OF IMPORT AT THE TIME OF PRODUCT ENTRY.

Please contact this office, if you have any comments, corrections or suggestions about the material contained in this report. Our e-mail address is [agbangkok@fas.usda.gov](mailto:agbangkok@fas.usda.gov).

## TABLE OF CONTENTS

### A. FOOD LAWS

- Food Act of B.E. 2522 (1979)
- Prohibited Food and Substances
- Regulatory Procedures

### LABELING REQUIREMENTS

- Labeling of Food Products Directly Sold to Consumers
- Labeling of Food Products Sold to Food Service Outlets
- Labeling of Food Products Sold to Food Manufacturers as Materials for Production
- Nutrition Labeling
- Thai Recommended Daily Intakes (Thai RDIs)
- Claims

### FOOD ADDITIVE REGULATIONS

### D. PESTICIDE AND OTHER CONTAMINANTS

- Food Containing Pesticide Residues
- Food Containing Contaminants

### E. OTHER REGULATIONS AND REQUIREMENTS

- Product Registration
- Laboratory Testing
- Shelf Longevity and Packaging
- Product Samples and Mail Order Shipments
- Import Control
- Animal Quarantine
- Marine Animals
- Plant Quarantine
- Wine, Beer and Other Alcoholic Beverages

### F. OTHER SPECIFIC STANDARDS

### G. PATENT, COPYRIGHT AND TRADEMARK LAWS

### IMPORT PROCEDURE

- Customs Duties
- Customs Clearance of Prepackaged Foodstuffs

### CONCLUSIONS AND RECOMMENDATIONS FOR U.S. EXPORTERS

APPENDIX A – MAJOR REGULATORY AGENCIES

APPENDIX B – LOCAL CONTACTS

APPENDIX C - PRODUCT REGISTRATION AND LABEL PERMIT  
APPLICATION FORMS

Summary: Thailand's food industry is governed by the Food Act of B.E. 2522 (1979) and subsequent laws stipulated by the Ministry of Public Health. In general, imports of food for sale in the kingdom require an import license and standard labeling according to domestic regulations. Product registration is required only for *specifically-controlled food*. Certain food products such as agricultural commodities and livestock including meat and carcasses are also subject to other restrictions necessary to protect human, animal and plant health imposed by other government authorities. Hence, as in the United States, food safety is a shared responsibility of several departments.

## FOOD LAWS

The food laws and regulations governing the Thai food industry are confined to the scope of the **Food Act of B.E. 2522 (1979)**. The Ministry of Public Health is designated by law to take executive charge of the Act. The food control activities are the responsibilities of the Food and Drug Administration (FDA) which is one of the departments of the Ministry of Public Health.

The Food Control Division, under the FDA, is responsible for control of licensing for local manufacturing and importation of food products, registration of *specifically-controlled food*, and food labeling. Standard requirements of *specifically-controlled food* and codes of hygienic practices as a guideline for domestic manufacturers and importers are elaborated, handled and periodically issued in the Ministerial Notifications by the division.

## FOOD ACT OF B.E. 2522 (1979)

The **Food Act of B.E. 2522 (1979)** remains in effect. The Act defines the word "Food" as edible items and those which sustain life, including:

- Substances that can be eaten, drunk, sucked or induced into the body either by mouth or by other means, no matter in what form, but not including medicine, psychotropic and narcotic substances.
- Substances intended for use or to be used as ingredients in the production of food including food additives, coloring and flavoring materials.

The Act classifies food into three main categories as listed in the following table.

*Specifically-controlled food* – the category for which registration is required. Legal provisions are established regarding standard quality, specifications, packaging and labeling requirements as well as other aspects of good manufacturing practice. At present, 39 types of food have been listed in this category.

*Standardized food* – the category for which quality standards will be defined by regulations.

Food in this category is mainly locally produced food from small-scale or household industry. The main objective is to facilitate and encourage food producers on upgrading or at least maintaining hygienic quality of their products. Standardized food does not require registration but its quality and labeling have to meet the standard requirements as specified in the Notification of the Ministry of Public Health. There are nine types of food in this category.

*General food* – food either raw, or cooked, preserved or non-preserved, processed or non-processed, if they are not listed under category 1 or 2 will be considered as general food. Although registrations are not required, general food products are controlled and monitored on hygiene, safety, labeling and advertisement. General food may be subdivided into food that must bear standard labels (15 types), and other general food.

### Food Category

| No.       | Type of Food                               | Remarks  |
|-----------|--|--|
| <b>I.</b> | <b><i>Specifically-Controlled Food</i></b> | For food imports for sale, import license and product registration are needed.   |
| 1.        | Food Color                                 | a) Organic Colors:<br>C Red: Ponceau 4R, Carmoisine, Azorubine, Erythrosine<br>C Yellow: Tartrazine, Sunset Yellow, FCF, Riboflavin<br>C Green: Fast Green FCF<br>C Blue: Indigo Carmine or Indigotine, Brilliant Blue FCF<br>a) Inorganic Colors: Vegetable charcoal, Titanium dioxide<br>b) Natural Food Colors: e.g. Cochineal, Carotenoids, Chlorophylls, Copper complex |
| 1.        | Fat and Oil                                |  |
| 2.        | Peanut Oil                                 |  |
| 3.        | Milk                                       |  |
| 4.        | Butter                                     |  |
| 5.        | Cheese                                     |  |
| 6.        | Ghee                                       |  |
| 7.        | Ice Cream                                  |  |
| 8.        | Flavored Milk                              |  |
| 9.        | Other Milk Products                        |  |
| 10.       | Margarine                                  |  |
| 11.       | Food Enhancers                             |  |

| No.        | Type of Food   | Remarks  |
|------------|--|--|
| 12.        | Semi-processed Food  | Chili sauce, tomato sauce, papaya sauce, etc.  |
| 13.        | Some Particular Sauces   |  |
| 14.        | Butter Oil   |  |
| 15.        | Cultured Milk  |  |
| 16.        | Fish Sauce   |  |
| 17.        | Vinegar  |  |
| 18.        | Cream  |  |
| 19.        | Palm Oil   |  |
| 20.        | Coconut Oil  |  |
| 21.        | Tea  |  |
| 22.        | Drinking Water in Sealed Containers  |  |
| 23.        | Beverages in Sealed Containers   |  |
| 24.        | Soybean Milk in Sealed Containers  |  |
| 25.        | Coffee   |  |
| 26.        | Ice  |  |
| 27.        | Food Additives   |  |
| 28.        | Jam, Jelly and Marmalade in Sealed Containers                                    |  |
| 29.        | Mineral Drinks   |  |
| 30.        | Sodium Cyclamate and Food Containing Cyclamate                                   |  |
| 31.        | Food for Weight Control  |  |
| 32.        | Royal Jelly and Royal Jelly Products   |  |
| 33.        | Honey  |  |
| 34.        | Food in Sealed Containers  |  |
| 35.        | Mineral Water  |  |
| 36.        | Modified Milk for Infants  |  |
| 37.        | Infant Food  |  |
| 38.        | Supplementary Food for Infants and Children                                      |  |
| <b>II.</b> | 39. <i>Standardized Food</i>   | C For food imports for sale, import license and labeling approval are needed. As for table salt, no labeling approval is needed. |
| 1.         | Meiki or B-X (by-ox Product Liquor from the Production of Mono-sodium Glutamate) |  |
| 2.         | Food Containing Pesticide Residues   |  |
| 3.         | Chocolate  |  |

| No.                                  | Type of Food   | Remarks  |
|--------------------------------------|--|--|
| 4.<br>5.<br><br>6.<br>7.<br>8.<br>9. | Quicklime Soaked Egg<br>Food Containing Contaminants<br><br>Food Contaminated with Radioactive Substances<br>Products from the Hydrolysis or Fermentation of Soybean Protein<br>Fortified Rice<br>Table Salt   | Tin, Zinc, Copper, Lead, Arsenic, Mercury, Aflatoxin and other contaminants as prescribed by FDA |
| III.                                 | 9. <i>General Food</i>   | C For food imports for sale, import license and labeling approval are required.                  |
| C                                    | C <b>Food Required to Bear Standard Labels</b><br>1. 1. <i>All Imported Food</i><br><br>1. 2. Husked Rice Flour<br><br>1. 3. Seasoning Salted Water<br><br>1. 4. Sauce in Sealed Containers<br><br>1. 5. Bread<br><br>1. 6. Food for Special Purposes<br><br>1. 7. Chewing Gums and Candies<br><br>1. 8. Processed Agar and Jelly<br><br>1. 9. Irradiated Food<br><br>1. 10. Food with Anti-moisture Substances in the Same Container<br>1. 11. Garlic Products<br><br>1. 12. Some Meat Products |  |



| No. | Type of Food  | Remarks |
|-----|---|---------|
| 1.  | 13. Processed Food Ready for Consumption                  |         |
| 1.  | 14. Flavoring Agents                                      |         |
| 1.  | 15. Cut and Cleaned Raw Food in Package Ready for Cooking |         |

The food products listed above have standard requirements announced by the Ministry of Public Health in the Ministerial Notifications. Also, there are other Ministerial Notifications concerning control aspects of other items associated with food. Among these are Quality Standards of Food Containers, Plastic Containers, Feeding Bottles, Labeling Requirements and Nutrition Labeling.

#### 15. PROHIBITED FOOD AND SUBSTANCES

The substances prohibited to be added in or to be manufactured, imported or sold as food ingredients are as follows.

- C Brominated vegetable oil
- C Salicylic acid
- C Boric acid
- C Borax
- C Calcium iodate or Potassium iodate
- C Nitrofurazone,
- C Potassium chlorate
- C Formaldehyde, Formaldehyde solution and Paraformaldehyde
- C Coumarin; 1,2-Benzopyrone; 5,6-Benzo-alpha-pyrone; Cis-o-coumaric acid, anhydride; or O-hydroxycinnamic acid, lactone
- C Dihydrocoumarin, Benzodihydropyrone, 3,4-Dihydrocoumarin or Hydrocoumarin
- C Methyl alcohol or Methanol
- C Diethylene glycol, Dihydroxydiethyl ether, Diglycol, 2,2'-Oxybis-ethanol or 2,2'-Oxydiethanol
- C Dulcin (Para-phenetolcarbamide)
- C Cyclamic acid and its salts (except Sodium Cyclamate)
- C AF-2 (Furylframide)
- C Potassium bromate
- C Daminozide or Succinic acid 2,2-dimethylhydrazide
- C Stevia and derivatives.

## C REGULATORY PROCEDURES

Whilst some of the following information does not specifically apply to U.S. exporters, the following will be levied upon importers of products, including U.S. products. The principles of the regulatory procedures for food involve the following.

### C 1 Pre-marketing Control

Activities at this stage are the responsibilities of the Food Control Division.

#### 1.1 Establishment of food standards and manufacturing requirements

The established standards as supervised by the subcommittee on food standards and local manufacturing requirements are minimum acceptable requirements.

#### 1.2 Control of food manufacturing

Local food manufacturers must apply for a license prior to proceeding with their business. Plant lay-outs must be submitted for approval to the Food Control Division. The FDA inspectors will then visit and inspect the plant before a manufacturing license can be issued. It is the responsibility of the licensee to renew his/her license every three years.

#### 1.3 Control of food importation

A license is required for importing food for sale in the country. A licensee may import various kinds of food provided that they are approved by the Office of Food and Drug Administration. FDA inspectors will visit and examine the appropriateness of the designated storage place or warehouse before a license is issued. A license to import must be renewed every three years.

A temporary import license will be needed for occasional import of food i.e. for exhibition. An exemption will be granted only for the import of food samples for laboratory test and consideration for purchase.

#### 1.4 Control of food products

A food product, either manufactured or imported, if categorized as *specifically-controlled food* must be registered. Analytical results of the product as well as details on manufacturing processes and its ingredients must be submitted along with an application for registration. Food containing additives must get an approval of the additives before they can be used.

No one is allowed to import impure food, adulterated food, substandard food and

other food specified by the Ministry of Public Health (see Section concerning Prohibited Food and Substances).

### **1.5 Control of food labeling**

All imported food products, whether fresh, frozen or processed for sale in Thailand, are required to bear labels containing Thai language. Labels of *standardized food* and *food required to bear standard labels* are subject to approval from the FDA.

## **C 2 Post-marketing Control**

### **2.1 Monitoring compliance with the regulations**

**Monitoring processes primarily make sure that food distributed to consumers are wholesome and comply with the national food standards. Inspection of food factories and premises throughout the country is regularly conducted together with sampling of food products for laboratory tests. In case of violations, seizures, product recall and prosecution will be executed. Inspection, monitoring and legal actions are the responsibility of the Inspection Division. Technical advice on development of food production, delivery, handling and storage may be given during the monitoring processes.**

### **2.2 Food surveillance**

The aim of the program is to assure safety and quality of food distributed in the market throughout the country. Food surveillance is conducted by several ministerial organizations, e.g. Ministry of Agriculture and Co-operatives, Ministry of Science, Technology and Environment, Ministry of Industry, Office of the Prime Minister and Bangkok Metropolitan Administration. The FDA plays a major role. FDA inspectors will take samples of food at market places from time to time and whenever problems exist. The samples will be delivered to the Food Analysis Division, Department of Medical Science for further analysis of toxins, pesticide residues, heavy metals, nutritional values and standard conformity. Warning and legal actions such as seizure, product recall, etc. will be taken depending on the degree of violation.

## **3 Control of Food Advertising**

Any form of food advertisement through any public media are subject to approval from the FDA. Advertising false or deceptive quality or benefit is prohibited. The Advertisement Control and Public Relations Division is responsible for approval of the statements and visual performances to be used in food advertising.

#### **4 Good Manufacturing Practice (GMP)**

The FDA policy to upgrade quality standards of domestic food production has been carried out through a program of voluntary application of GMP requirements. GMP guidelines are specifically established for canned food, drinking water in sealed containers, beverages, soy and fish sauce products. Campaign and implementation of GMP in food industry is another on-going activity of the Food Control Division.

#### **B. LABELING REQUIREMENTS**

There are two criteria as to whether or not local standard labeling is needed. The first involves with who the importer is and the second is for which purpose the import is, whether for sales or for industrial use. If importers are food service outlets or manufacturers themselves and the purpose of imports is only for their own industrial use as ingredients or materials for food processing, those imported products are exempted from local labeling regulations. In such cases, products can be entered into Thailand with standard U.S. labels only.

Importers of food products for sale are required to comply with local labeling regulations. A Thai label must be applied where needed prior to entry. Failure to apply the label before entry will likely result in a penalty charge by the Customs Department and product seizure by the FDA. As products imported for sale may not enter into Thailand with standard U.S. labels only, stick-on labels, meeting local requirements, must be affixed. Note that the approved label, corresponding to its food package size, must be applied to every single item of food. There is no exemption for any industrial container for distribution purpose that a Thai label shall be applied only on the main outer package.

Depending on whom importers distribute their products to, labeling regulations apply differently as follows:

- C Labeling of food products directly sold to consumers,
- C Labeling of food products sold to food service outlets, and
- C Labeling of food products sold to food manufacturers as materials for production.

#### **C LABELING OF FOOD PRODUCTS DIRECTLY SOLD TO CONSUMERS**

Labels for food products directly sold to consumers shall be presented in Thai with or without foreign language and shall have the following details, except for those allowed to be omitted by the FDA.

1. Name of food

1.1 Any of the following names shall be used.

- 1.1.1. Specific name of food, common name or name ordinarily used for such food e.g. bread, drinking water
- 1.1.2. Name for category or type of food e.g. soy sauce
- 1.1.3. Trade name accompanied by the category or type of food, either on the same line with the trade name or below. The letter size of the category or type of food shall be clearly and easily spotted and in good proportion with the label size, although not necessarily of the same size as those for trade name.

1.2 The name of food shall not be misleading, exaggerated or detrimental to Thai culture or the Thai language.

1.3 Text shall be printed in a horizontal line. Two or more separate lines of contents may be used if there is not adequate space.

1.4 The letters shall be of equal size with exactly the same color.

1.5 If a foreign name is also presented, the letter size of the Thai name shall not be smaller than that of a foreign name – both in height and thickness of the letters.

In order to protect consumers from misunderstanding about the food, the FDA may require additional text to describe packaging, manufacturing process, characteristic of food, type or part of plant or animal from which the food originates.

2 Net content of food in metric system

2.1 Powdered, dry or solid food products shall display net weight.

2.2 Liquid food products shall display net volume.

2.3 Semi-solid or semi-liquid food products can display either net weight or net volume.

2.4 Other food products shall display net weight.

2.5 Food products in sealed containers shall display net content as well as drained weight except food ingredients cannot be separated from the liquid part.

3 Date, month and year of manufacture; month and year of manufacture; date, month and year of expiry; or date, month and year within which food remains in good quality or

conforms to the standard

Accompanied by the word “Manufactured”, “Expire” or “Use Before”, as the case may be, note that:

- 3.1 The date, month and year of manufacture; the date, month and year of expiry; or the date, month and year within which food remains in good quality or conforms to the standard is used to described food which can be stored for not more than 90 days.
- 3.2 The month and year of manufacture; the date, month and year of expiry; or the date, month and year within which food remains in good quality or conforms to the standards is used to described food which can be stored for more than 90 days.
- 3.3 The date, month and year of expiry is used to describe certain food products specified by the FDA e.g. modified milk for infants, infant food, supplementary food for infants and children, etc. The food manufacturer or importer may request the FDA to display the date, month and year of expiry for other types of food not stipulated.

The information on item 1 and 2 mentioned above shall be presented in the “Principal Display Panel” whereas the information concerning item 3 can be displayed either in the “Principal Display Panel” or on the top or the bottom part of the container. If displayed at the bottom part of the food container, there shall be a statement indicating where to check for the manufactured date, expiry date or the date within which the food still remains in good quality or conforms to the standard.

- 4 Product registration number or label approval number depending on the category of the food products to be imported

- 4.1 *Specifically-controlled food* (39 types as listed), usually food products contained in tightly closed containers, are subject to product registration. Its registration number shall be displayed within the label designated by the FDA.
- 4.2 *Standardized food*, imported food products, etc. are types of food which the FDA requires label registration prior to distribution. The label registration number shall be on display in the label area designated by the FDA.
- 4.3 The FDA’s design must be adopted with the following characteristics. The frame color shall contrast with that of the label background. The area within the sign must be white in color, with product registration number or label approval number written with letters and numbers not smaller than two millimeters.

- 5 Name and address of manufacturer or repacker, as the case may be, together with the

country where the product is manufactured

- 6 Essential ingredients listed as percentage of the total, starting with the major ingredient. For concentrated products or those needing to be diluted or dissolved before consumption, the proportion of the products when diluted or dissolved must be displayed.
- 7 If the label has its trademark on display, the FDA may prescribe that the word “Trademark” or “Brand” be presented in order to prevent misunderstanding among consumers.
- 8 Storage instructions, if any
- 9 Preparation instructions, if any
- 10 The words “Preservatives used”, if any
- 11 The words “Natural flavor added”, “Artificial flavor added”, etc. shall be presented, if used.
- 12 The words “Natural food color added” or “Chemical food color added” shall appear if used.
- 13 The words “Food enhancer used ...%”, presented as a percentage of the total
- 14 Specific texts that are required to be displayed clearly are usually for food products that need precautions before use. For example, “Not Used As Baby Food” and “Not to Replace Baby Milk” shall be presented with bold letters in red color with a height of not less than 5 mm within the FDA’s sign with white background and an outline/frame contrasting to the label color.
- 15 Instructions on use and other useful information for products for use by a specific group of consumers e.g. a table showing baby feeding schedule
- 16 Labels with statements, pictures, photographs, signs, trademarks, etc. shall not give misleading or exaggerating implications about the products.
- 17 The label shall not contain pictures, photographs, signs, trademarks, etc. which either explicitly or implicitly advertise other products.

## **C LABELING OF FOOD PRODUCTS SOLD TO FOOD SERVICE OUTLETS**

The same regulations mentioned above apply in this case as well. However, the labels may display only the name of food, net content of food in metric system, manufactured date or expiry date, product registration number or label approval number, and name and address of manufacturer including the country of origin if other details i.e. ingredients, storage instructions,

preparation instructions, etc. are provided in the user's guide or documents accompanying products.

## C LABELING OF FOOD PRODUCTS SOLD TO FOOD MANUFACTURERS AS MATERIALS FOR PRODUCTION

A Thai label is required except for imported products where the English label is allowed. The label must at least contain the following.

- 1 Name and type of food
- 2 Product registration number or label approval number as the case may be
- 3 Net content of food in metric system
- 4 Name and country of the manufacturer

In this case, although a label containing Thai language is not required for imported products, the products shall obtain the FDA's product registration number or label approval number.

## C NUTRITION LABELING

The regulations on nutrition labeling are relatively new in Thailand. Announced by the Ministry of Public Health on March 20, 1998 as **Ministerial Notification No. 182 of B.E. 2541 (1998)**, the regulations will take effect on December 8, 1998.

Nutrition labeling is mandatory for the following types of food.

- C Food with a nutrition claim
- C Food which makes use of nutritional values in sale promotion
- C Food which specifically targets a group of consumers e.g. students, executives, elderly people, etc.
- C Other foods which may be specified by the FDA

Exemptions from these nutrition labeling regulations (as defined in Ministerial Notification No. 182) are infant food, supplementary food for infants and children and other types of food for which labeling requirements have been otherwise regulated; food not directly sold to consumers; and food packed in small containers which aims to be repacked and sold in a larger container.

Basically, nutrition labeling must be presented in Thai with or without foreign language. The standard U.S. nutrition fact panel is not acceptable as Thai Recommended Daily Intakes may not be entirely identical to the U.S. Recommended Daily Intakes. In addition, differences may



exist in serving size and reference amount.

Depending upon the labeling space, different formats are applicable, on either a vertical or horizontal basis. An example of standard comprehensive nutrition facts is provided. The format is very much similar to the U.S. nutrition fact panel.

| Nutrition Facts  |           |                               |         |
|--|-----------|-------------------------------|---------|
| Serving Size:<br>Servings Per Container  |           |                               |         |
| Amount Per Serving   |           |                               |         |
| Total Calories .....kcal (Calories from Fat ..... kcal)  |           |                               |         |
|  |           | % Recommended Daily Intakes * |         |
| Total Fat  | ..... g   |                               | ..... % |
| Saturated Fat  | ..... g   |                               | ..... % |
| Cholesterol  | ..... mg  |                               | .....%  |
| Protein  | ..... g   |                               | ..... % |
| Total Carbohydrate   | ..... g   |                               | ..... % |
| Dietary Fiber  | ..... g   |                               | .....%  |
| Sugars   | ..... g   |                               | ..... % |
| Sodium   | ..... mg  |                               | ..... % |
| % Recommended Daily Intakes *  |           |                               |         |
| Vitamin A  | ..... %   | Vitamin B1                    | ..... % |
| Vitamin B2   | ..... %   | Calcium                       | ..... % |
| Iron   | ..... %   |                               |         |
| * Percent recommended daily intakes are based on a 2,000 kcal diet for Thais aged six and upwards.               |           |                               |         |
| Individual calorie needs may differ. Based on a 2,000 kcal daily diet, the nutrient intakes shall be as follows. |           |                               |         |
| Total Fat  | Less than | 65 g                          |         |
| Saturated Fat  | Less than | 20 g                          |         |
| Cholesterol  | Less than | 300 mg                        |         |
| Total Carbohydrate   |           | 300 g                         |         |
| Dietary Fiber  |           | 1 g                           |         |
| Sodium   | Less than | 2,400 mg                      |         |
| Calories (kcal) per gram: Fat = 9; Protein = 4; Carbohydrate = 4   |           |                               |         |

Details on serving size and servings per container may be omitted where the reference on serving size cannot be determined due to the nature of that food. Hence, instead of the statement “Amount per serving”, the statement “Amount per 100 g” or “Amount per 100 ml” shall be used as appropriate.

#### THAI RECOMMENDED DAILY INTAKES (Thai RDIs)

The Thai Recommended Daily Intakes (Thai RDIs) for people of six years of age and older were established to be guidelines for nutrition labeling. Developed with reference to the Thai Recommended Daily Dietary Allowances (Thai RDA), the U.S. RDA and Codex’s Nutrient

Reference Values, details on the Thai RDIs are provided below.

| No. | Nutrient           | 25Thai RDI     | Unit                       |
|-----|--------------------|----------------|----------------------------|
| 1   | Total Fat          | 65*            | Gram                       |
| 2   | Saturated Fat      | 20*            | Gram                       |
| 3   | Cholesterol        | 300            | Milligram                  |
| 4   | Protein            | 50*            | Gram                       |
| 5   | Total Carbohydrate | 300*           | Gram                       |
| 6   | Dietary Fiber      | 25             | Gram                       |
| 7   | Vitamin A          | 800<br>(2,664) | Microgram RE<br>(IU)       |
| 8   | Thiamin            | 1.5            | Milligram                  |
| 9   | Riboflavin         | 1.7            | Milligram                  |
| 10  | Niacin             | 20             | Milligram NE               |
| 11  | Vitamin B6         | 2              | Milligram                  |
| 12  | Folic Acid         | 200            | Microgram                  |
| 13  | Biotin             | 150            | Microgram                  |
| 14  | Pantothenic Acid   | 6              | Milligram                  |
| 15  | Vitamin B12        | 2              | Microgram                  |
| 16  | Vitamin C          | 60             | Milligram                  |
| 17  | Vitamin D          | 5<br>(200)     | Microgram<br>(IU)          |
| 18  | Vitamin E          | 10<br>(15)     | Milligram Alpha TE<br>(IU) |
| 19  | Vitamin K          | 80             | Microgram                  |
| 20  | Calcium            | 800            | Milligram                  |
| 21  | Phosphorus         | 800            | Milligram                  |
| 22  | Iron               | 15             | Milligram                  |
| 23  | Iodine             | 150            | Microgram                  |
| 24  | Magnesium          | 350            | Milligram                  |
| 25  | Zinc               | 15             | Milligram                  |
| 26  | Copper             | 2              | Milligram                  |
| 27  | Potassium          | 3,500          | Milligram                  |
| 28  | Sodium             | 2,400          | Milligram                  |
| 29  | Manganese          | 3.5            | Milligram                  |
| 30  | Selenium           | 70             | Microgram                  |
| 31  | Fluoride           | 2              | Milligram                  |
| 32  | Molybdenum         | 160            | Microgram                  |
| 33  | Chromium           | 130            | Microgram                  |
| 34  | Chloride           | 3,400          | Milligram                  |

Notes: 1 \* RDIs for total fat, saturated fat, protein and total carbohydrate are 30, 10, 10 and 60 respectively

of the total daily calories (2,000 kilocalories).

2 Sugar intake should not be more than 10% of the total daily calories.

Note that the total daily calories needed for an individual may be either higher or lower than 2,000 kcal, depending on several factors involved i.e. age, sex and physical activity level.

## 25 CLAIMS

### 25 1 Nutrition Claim

A nutrition claim means any presentation which states, suggests or implies that a food has particular nutritional properties including but not limited to the energy value and the content of protein, fat and carbohydrates, as well as the content of vitamins and minerals. Nutrition claims constitute nutrient content claim, comparative claim and nutrient function claim.

As the Thai FDA has basically used Codex and also U.S. FDA standards as guidelines, the descriptors used in nutrient content claim (e.g. low in cholesterol) and comparative claim (e.g. “less”, “reduced”) generally have very similar definitions to those of U.S. Food Labeling. However, there may be some differences in the use of certain terms such as “good source of”, “rich in”, etc. Note that differences may exist in serving size, reference amount and local recommended daily intakes. Further details can be obtained from the Food Control Division, FDA.

*1.1 Nutrient content claim* is a nutrition claim that describes the level of nutrient contained in a food. Examples are “source of calcium”, “high in fiber and low in fat”, etc. A food that is by its nature low in or free of the nutrient that is the subject of the claim shall not include the term “low” or “free” in the name of the food. Instead, a claim statement may be made in a general form that refers of all foods of that type e.g. vegetable oil, a cholesterol-free food. However, foods that have been specially processed, altered, formulated or reformulated so as to lower the amount of nutrient in the food or remove the nutrient from the food may bear such a claim.

*1.2 Comparative claim* is a claim that compares the nutrient levels and/or energy value of two or more foods. Examples are “less than”, “fewer”, “more than”, “reduced”, “lite/light”, etc. Comparative claims can be made if the foods being compared or “reference foods” are different versions of the same food or similar foods that are representative of the same type available in the market. The identity of the reference food shall be given and a statement of the amount difference in the nutrient content or energy value shall be expressed as a percentage or fraction, higher or lower than that of the food being compared. Also, the nutrient content per serving shall be provided. Full details of the comparison are needed.

Comparative claims are not allowed in the case where reference foods already contain “low” or “very low” level of nutrient content or energy value according to the established conditions of such terms.

1.3 *Nutrient function claim* is a claim relating to the function of a nutrient to the body. Examples are “Calcium aids in the development of strong bones and teeth” and “Iron is a factor in red blood cell formation”. Nutrient function claims are permitted provided the following conditions are met. Nonetheless, a claim statement is subject to the approval from FDA.

- 1.3.1 Only those essential nutrients listed in the Thai RDIs shall be the subject of a nutrient function claim.
- 1.3.2 The food for which the claim is made shall be a significant source of the nutrient in the diet.
- 1.3.3 The claim must be made with reference to the nutrient not particularly to the food product.
- 1.3.4 The claim must be based on reliable scientific evidence.
- 1.3.5 The claim must not imply or include any statement to the effect that the nutrient would afford a cure or treatment for or protection from disease.

## 25 2 Health Claim

A health claim means any presentation which states, suggests or implies that a food or nutrient in the food has anything to do with disease or health condition. As many factors i.e. sex, age, heredity, etc can be causes of disease for an individual, no health claim is therefore allowed on food products.

## C. FOOD ADDITIVE REGULATIONS

Food additives mean the substances which normally are not used as food or essential ingredients of food, whether or not such substances have food value, but which are added for the benefits of production technology, packing, storage or transport beneficial to the quality or standards or the nature of food. They also include the substances mixed with food for the purposes stated earlier.

Food additives are specified as *specifically-controlled food* of which the quality or standards are defined. Use of food additives must follow the set objectives for specified kinds of food and maximum permissible quantity, grouped by usage under the following sections.

Section 1: Acidity Regulator

Section 2: Anticaking Agents

Section 3: Antioxidants and Antioxidant Synergists

Section 4: Salts

Section 5: Emulsifiers, Stabilizers and Thickeners

Section 6: Preservatives

Section 7: Firming Agents

Section 8: Carrier Solvents

Section 9: Miscellaneous

Use of food additives for purposes other than stated must petition for the FDA's approval.

The list of allowed food additives are provided below.

- |                                     |  |
|-------------------------------------|--|
| (1) Sorbic acid                     | (2) Citric acid                                    |
| (3) Benzoic acid                    | (4) Fumaric acid                                   |
| (5) Phosphoric acid                 | (6) Malic acid                                     |
| (7) Glacial acetic acid             | (8) Lactic acid                                    |
| (9) Propionic acid                  | (10) Alginic acid                                  |
| (11) L-Tartronic acid               | (12) Ascorbic acid                                 |
| (13) Isoascorbic acid               | (14) Glucono delta-lactone                         |
| (15) Glycerin                       | (16) Ammonium salts of phosphatidic acid           |
| (17) Guar gum                       | (18) Carrageenan                                   |
| (19) Calcium gluconate              | (20) Calcium chloride                              |
| (21) Calcium carbonate              | (22) Calcium citrate                               |
| (23) Calcium silicate               | (24) Calcium sulphate                              |
| (25) Calcium sorbate                | (26) Calcium disodium ethylenediamine tetraacetate |
| (27) Calcium propionate             | (28) Calcium phosphate, dibasic                    |
| (29) Calcium phosphate, tribasic    | (30) Calcium phosphate, monobasic                  |
| (31) Calcium lactate                | (32) Calcium stearate                              |
| (33) Calcium alginate               | (34) Calcium ascorbate                             |
| (35) Calcium hydroxide              | (36) Cubric sulfate                                |
| (37) Edible gelatin                 | (38) Sorbitan tristearate                          |
| (39) Sorbitan monopalmitate         | (40) Sorbitan monostearate                         |
| (41) Sulfur dioxide                 | (42) Silicon dioxide                               |
| (43) Sodium chloride                | (44) Sodium carbonate                              |
| (45) Sodium carboxymethyl cellulose | (46) Sodium calcium silicoaluminate                |
| (47) Sodium sulfite                 | (48) Sodium citrate                                |
| (49) DL-Sodium malate               | (50) Sodium nitrate                                |
| (51) Sodium nitrite                 | (52) Sodium tartrate                               |
| (53) Sodium tripolyphosphate        | (54) Sodium benzoate                               |
| (55) Sodium bicarbonate             | (56) Sodium bisulfite                              |
| (57) Sodium propionate              | (58) Sodium polyphosphate, glassy                  |
| (59) Sodium fumarate                | (60) Sodium phosphate, dibasic                     |
| (61) Sodium phosphate, tribasic     | (62) Sodium phosphate, monobasic                   |

- |   |  |
|---|--|
| (63) Sodium metabisulfite                             | (64) Sodium lactate solution                                 |
| (65) Sodium acetate                                   | (66) Sodium aluminosilicate                                  |
| (67) Sodium alginate                                  | (68) Sodium L-ascorbate                                      |
| (69) Sodium isoascorbate                              | (70) Sodium hydroxide  |
| (71) Xanthan gum                                      | (72) Dodecyl gallate   |
| (73) Dimethyl polysiloxane                            | (74) Mixed tocopherols concentrate                           |
| (75) Nisin  | (76) Butylated hydroxytoluene                                |
| (77) Butylated hydroxyanisole                         | (78) Propyl gallate  |
| (79) Propylparaben                                    | (80) Propylene glycol  |
| (81) Propylene glycol alginate                        | (82) Propylene glycol esters of fatty acids                  |
| (83) Pectin   | (84) Potassium chloride                                      |
| (85) Potassium carbonate                              | (86) Potassium sorbate                                       |
| (87) Potassium sulfite                                | (88) Potassium citrate                                       |
| (89) Potassium nitrate                                | (90) Potassium nitrite                                       |
| (91) Potassium benzoate                               | (92) Potassium bicarbonate                                   |
| (93) Potassium phosphate, dibasic                     | (94) Potassium phosphate, tribasic                           |
| (95) Potassium phosphate, monobasic                   | (96) Potassium malate solution                               |
| (97) Potassium metabisulfite                          | (98) Potassium lactate solution                              |
| (99) Potassium acetate                                | (100) Potassium alginate                                     |
| (101) Potassium hydroxide                             | (102) Polyglycerol esters of fatty acids                     |
| (103) Polyoxyethylene (20) sorbitan monostearate      | (104) Polyoxyethylene (20) sorbitan monooleate               |
| (105) Furcellaran                                     | (106) Ferrous gluconate                                      |
| (107) Methyl cellulose                                | (108) Methylparaben  |
| (109) Methyl ethyl cellulose                          | (110) Magnesium carbonate                                    |
| (111) Magnesium stearate                              | (112) magnesium hydroxide                                    |
| (113) Modified starches                               | (114) Mono- and diglycerides                                 |
| (115) Citric acid esters of mono- and diglycerides    | (116) Diacetyltartaric acid esters of mono- and diglycerides |
| (117) Lactic acid esters of mono- and diglycerides    | (118) Acetic acid esters of mmo- and diglycerides            |
| (119) Lecithin  | (120) Octyl gallate  |
| (121) Aluminium stearate                              | (122) Alpha-tocopherol                                       |
| (123) Agar  | (124) Acacia   |
| (125) Ethylparaben                                    | (126) Ammonium carbonate                                     |
| (127) Ammonium bicarbonate                            | (128) Ammonium alginate                                      |
| (129) Strong ammonia solution; stronger ammonia water | (130) ascorbyl palminate                                     |
| (131) Ascorbyl stearate                               | (132) Isopropyl citrate mixture                              |
| (133) Hexamethylenetetramine                          |  |

Codex additives are generally acceptable.



## D. PESTICIDE AND OTHER CONTAMINANTS

Food containing pesticide residues and food containing contaminants are categorized as *standardized food*. The FDA, Ministry of Public Health has regulated pesticide residues and other contaminants in foodstuffs as follows.

### D. FOOD CONTAINING PESTICIDE RESIDUES

The tolerance levels of residues allowed in foodstuffs are defined as Extraneous Residue Limit (ERL) and Maximum Residue Limit (MRL). Detailed information on pesticide residues has been prescribed in **Ministerial Notification No. 163 of B.E. 2538 (1995)**. As Codex has been used as a guideline, Codex pesticide residue levels are generally acceptable.

### D. FOOD CONTAINING CONTAMINANTS

According to **Ministerial Notification No. 98 of B.E. 2529 (1986)**, food shall not contain contaminants with more than the following specifications.

#### D.

##### 1 Metals

|          |     |   |
|----------|-----|---|
| Tin:     | 250 | mg/kg   |
| Zinc:    | 100 | mg/kg   |
| Copper:  | 20  | mg/kg   |
| Lead:    | 1   | mg/kg with the exception for foods that contain high amount of natural lead. Such foods shall seek the approval from FDA. |
| Arsenic: | 2   | mg/kg   |
| Mercury: | 0.5 | mg/kg for seafood and not more than 0.02 mg/kg for other foods  |

##### 2 Aflatoxin: 20 mcg/kg

##### 3 Other contaminants shall be subject to FDA approval.

Note that the above regulations are not be applicable with *specifically-controlled food* or other *standardized food* declared by the Ministry of Public Health and for which the quantity of contaminants may be specified otherwise by the Ministry.

## E. OTHER REGULATIONS AND REQUIREMENTS

## **E. PRODUCT REGISTRATION**

Importers of food products deemed to be *specifically-controlled food* are required to register the products before importation for sale. However, exemptions are granted for products imported directly by food service outlets and manufacturers for their own use as ingredients or materials for food processing.

Applications for product registration should be submitted to the Food Control Division, FDA. For those residing outside the Bangkok Metropolitan area, applications can be submitted to the Provincial Office of Public Health concerned.

The approximate amount of time required for product registration, starting from submitting the application, is about one month. However, delays are usually caused by inaccurate or unacceptable details in the documents. There is little chance for licensing a product unless the manufacturer or exporter provides necessary details required by the FDA.

The following details are needed for product registration.

- (1) Name and type of food
- (1) Characteristics of food (in accordance with the food analysis report)
- (2) Type and size of container/packing
- (3) Name and quantity of the ingredients in the food
- (4) Manufacturing process
- (5) Name of producer and place of production

With the application, an importer must attach labels (both foreign and Thai labels), result of analysis of the food (not over one year) by a government laboratory or institution specified by the FDA and other required materials dependent on the types of food. For imported food products, results of food analysis from the government laboratory in the manufacturer's country are acceptable. A food sample is required for FDA's inspection.

Documents showing the formulas and manufacturing processes from the manufacturer or exporter are required for certain types of food, e.g. infant food, baby food supplements, medical food and food for special purposes.

Clinical data which shows that the product brings about desired results as indicated and is safe for consumption is required in the case of medical food, food for special purposes, and food for weight control. Such information must have already been published in a reliable professional journal.

A certificate from the exporter's authority may be needed for food supplements in the form of mixture and novelty food in order to certify that such food is being sold as food in the manufacturer's country.

Once a product license is granted, it shall be valid *ad infinitum*, but can be revoked by the Minister if found later that the details of food do not conform to the details in the approved food recipe or is adulterated or unsafe for consumption.

A translated copy of the product registration application form is provided in Appendix C. Note that only a Thai application form is acceptable. The standard fee for a product license is THB 5,000 (approximately USD 125) in addition to a fee for official laboratory testing.

#### (6) **LABORATORY TESTING**

*Specifically-controlled food* and *standardized food* are food products subject to official laboratory testing. This is to ensure that the products meet standard requirements, that the products are free from all microbial organisms and toxic chemical substances that are not safe for consumption, and that the products are of good nutritional quality. The fees for laboratory testing vary, up to a maximum of USD 750, depending on the level of complexity involved in the process of analyzing the products.

#### (6) **SHELF LONGEVITY AND PACKAGING**

Shelf longevity and packaging are critical issues. The long shipping time and the likelihood that products are to be passed through several marketing channels before reaching the hands of consumers should be considered. In terms of logistics, U.S. exporters should note that few cold storage facilities and delivery trucks are available. As far as the hot and humid climate in Thailand is concerned, strong outer and inner packaging will be needed to preserve product quality.

#### (6) **PRODUCT SAMPLES AND MAIL ORDER SHIPMENTS**

A limited amount of processed or packaged food samples for product registration and consideration for purchase can be brought in without an import license from the FDA. However, samples of raw, fresh or frozen foodstuffs e.g. meat, vegetables and fruits may be subject to other regulations established by the concerned authorities. In certain cases, a health certificate or phytosanitary certificate will be required. Mail order shipment of products for sale are also subject to the same rules and regulations imposed by the FDA and other relevant authorities as those of regular imports. For more information, see details in the following sections.

#### (6) **IMPORT CONTROL**

Agricultural products are classified by the Ministry of Commerce as controlled or non-

controlled. Controlled products either require an import permit or are controlled by an international trade agreement (WTO). Import permits represent the greatest barrier to agricultural imports. These permits are usually issued if domestic demand greatly exceeds domestic supply.

According to the **Controlling Importation and Exportation of Goods Act of B.E. 2522 (1979)**, the Ministry of Commerce has the authority to designate classes of goods as subject to import controls in the form of license requirements. These are principally goods considered to be directly competitive with domestic products. The importation of such goods requires an application to be made to the Department of Foreign Trade, Ministry of Commerce, for an import license.

In addition, there are a number of goods which are not subject to the Controlling Importation and Exportation of Goods Act, but are still subject to controls under other laws and regulations. In such cases, the approval or consent of the relevant authorities must be obtained.

#### (6) **ANIMAL QUARANTINE**

All commercial shipments of livestock, meat and carcasses offered for entry into Thailand are subject to the regulations of the Department of Livestock Development (DLD), Ministry of Agriculture and Cooperatives. An import permit from the DLD is required. Prior to importation, an application for a permit should be made at the Animal Quarantine Station at the port of entry to which the products will be shipped, whether by air or by sea. Also, a health certificate is needed. Upon entry, the products must be inspected by the animal quarantine division prior to release by Thai Customs. Generally, a U.S. health certificate is acceptable. However, the DLD may reinspect imported meat and live animals on a sample basis as they enter Thailand.

#### (6) **MARINE ANIMALS**

Imports of live marine animals are under the supervision of the Department of Fisheries, Ministry of Agriculture and Cooperatives. Basically, an import permit normally granted shipment by shipment is needed, together with a permit for distribution. For detailed information on restrictions of marine animals, contact the Fisheries Resources Conservation Division, Department of Fisheries.

#### (6) **PLANT QUARANTINE**

In general, imported agricultural products except processed ones must be accompanied by a phytosanitary certificate issued by the Authority in the country of origin. According to the **Plant Quarantine Act of B.E. 2507 (1964)**, plants and plant products have been classified as

prohibited, restricted and unrestricted. Plants which are prohibited shall be imported only for research purposes and subject to the approval from the Department of Agriculture.

#### (6) WINE, BEER AND OTHER ALCOHOLIC BEVERAGES

Wine, beer and other alcoholic beverages are under the responsibility of the Excise Department, Ministry of Finance. Prior to import of all alcoholic beverages, an importer must be provided with a permit for distribution in addition to a label approval from the Excise Department.

### F. OTHER SPECIFIC STANDARDS

Each food product listed in the food category table in Part A has its specific product standards/requirements. The FDA is the regulating authority. Special labeling regulations on some products are provided below. Detailed information on particular products can be obtained from the Food Control Division, FDA.

#### C Quality Labeling

In general, wordings or statements which imply or mark product quality such as “premium grade” or “grade A” are considered misleading by the FDA, thus are prohibited.

#### C Food for Special Purposes

There are specific labeling requirements for food for special purposes which includes but is not limited to medical food, food for weight control, food for elderly people, and food for pregnant women. Such specific labeling regulations are prescribed in **Ministerial Notification No. 90 of B.E. 2528 (1985)**.

#### C Fresh Vegetables and Fruits

According to the legislation on labeling of imported fresh, chilled or frozen vegetables and fruits, a label approval by the FDA is not needed. However, a Thai label containing information specified by the FDA is required as stated in **Ministerial Notification No. 162 of B.E. 2538 (1995)**.

#### C Packaged Food Ready for Cooking and Processed Food Ready for Consumption

Special labeling requirements for packaged food ready for cooking and processed food ready for consumption are prescribed in **Ministerial Notification No. 175 of B.E. 2539 (1996)**.

## C Alcoholic Beverages

Labeling requirements for alcoholic beverages are stipulated in **Ministerial Notification No. 177 of B.E. 2540 (1997)**.

## G. PATENT, COPYRIGHT AND TRADEMARK LAWS

Protecting industrial rights is basically the responsibility of each company. A foreign patent which has not been granted a separate patent in Thailand receives no protection under the **Patent Act**. However, foreign patent holders in foreign countries may enter into business transactions with parties in Thailand and seek equivalent protection through contractual obligations in the form of licensing agreement. Since foreign patents receive no protection under the Thailand's Patent Act, no civil or criminal action can be taken against a third party who produces or sells a patented product in Thailand without paying fees to the holder of the foreign patent or who applies in Thailand for a patent already patented in other countries. Nevertheless, legal solutions to such conflicts may be available under separate legislation.

An application for a patent shall be filed with the Department of Intellectual Property. An applicant domiciled abroad must be represented by one of the patent agents registered with the Department of Intellectual Property.

International copyrights are well defined in the **Copyright Act of B.E. 2537 (1994)**. A copyrighted work of a creator and rights of a performer whose country is a party to the Treaty for the Protection of Copyrights or the Treaty for the Performer's Rights to which Thailand is a party, or a copyrighted work of an international organization of which Thailand is a member shall be protected by the Act.

The **Trademark Act of B.E. 2534 (1991)** governs registration and provides protection for trademarks. Included in the Act is a prohibition in importing objects bearing marks which are similar to or counterfeit of trademarks registered with the Trademark Office.

Well-known marks are sufficiently protected in Thailand by two methods. The first one is preventative in nature as it is embodied in the registration process. The trademark registrar will refuse to register any mark which is identical or similar to the well-known mark, misleading or confusing the public as to the proprietor or origin of the goods. The second one is remedial in nature. In the case that the mark has already been registered, any interested party or the registrar may file a petition to the Trademark Board to order the revocation of such mark if it can be proved that the mark is not registrable under the Trademark Act.

Nonetheless, it is basically the responsibility of each proprietor to have a separate trademark registration in Thailand. A trademark applicant must be completed by the proprietor or his appointed attorney/agent, in Thai, and filed with the Department of Intellectual Property on

official forms. The proprietor or his attorney or agent must have a place of business or address in Thailand which the Department can contact.

## **H. IMPORT PROCEDURE**

Imported goods may not be legally entered into Thailand until the shipment has arrived within the limits of the port of entry and delivery of the merchandise has been authorized by the Thai Customs Department. This is normally accomplished by filing the appropriate documents, either by the importer or by their agent.

The Customs Department does not notify the importer of the arrival of a shipment. Notification is usually made by the carrier of the goods. The importer should make their own arrangements to be sure that they or their agent will be informed of the arrival of shipment immediately so that the entry can be filed and delays in obtaining the goods are avoided.

## **H. CUSTOM DUTIES**

Imports arriving by air, sea or land have a clearance process which is similar to that carried out in most other countries. In order to clear goods arriving by sea, the importer has to go to the Customs House and file an entry form, together with all relevant documents, such as the invoice, packing list, a copy of bill of lading, and import declaration. Import documents, if translated into the local language, will help expedite customs clearance. In cases where imports are subject to business tax, the importer is also required to have a business tax registration number.

After these documents have been processed, and the goods have arrived, the importer must pay tariff duties and business tax. In cases where total duties have not been determined or where urgent clearance is necessary, a deposit may be made. The documents must be taken to the warehouse and presented to an inspector who will make a report on the entry form. If there is a discrepancy, the goods will be retained until additional duty or a fine is paid.

The Port Authority will then calculate landing and storage charges based upon the size or gross weight of the package. After paying these charges, the importer must submit receipts and the release order or delivery order to obtain a godown receipt which will allow him to claim the imported goods. With proper documents, the entire customs clearance normally takes 2-3 days.

For disputed and/or rejected products, an appeal can be made with the Legal Affairs Bureau, Customs Department.

## **H. CUSTOMS CLEARANCE OF PREPACKAGED FOODSTUFFS**

Prepackaged foodstuff will need additional inspection by related authorities before proceeding to regular customs formalities. In addition to the FDA, other concerned officers such as animal quarantine officers, plant quarantine officers, and fisheries department officers, are stationed at the port of entry to determine whether certain imported foodstuffs meet requirements set by their agencies. In such cases, certain certificates i.e. health certificate or phytosanitary certificate, may be required. More detailed information is contained in the relevant sections of this report.

## **H. I CONCLUSIONS AND RECOMMENDATIONS FOR U.S. EXPORTERS**

Thailand's food laws encompass the control of domestic manufacturing, importation and standard requirements. Basically, import license, product registration or standard labeling (depending on the types of food) are required for importation of food products for sale. While it is the responsibility of an importer to get an import license, product registration and standard labeling, it is essential that U.S. exporters know what the local authority requires so that they can help expedite the processes by providing required information and documentation.

Product registration and labeling approval can be done within a month if documents and proper details are well presented. For product registration, result of food analysis from a U.S. government certified laboratory, if available, should be provided to avoid any delay caused by local laboratory testing. Details on manufacturing processes are crucial in obtaining a product license. For labeling, note that the Thai authorities have adopted the metric system in weight measures so, for compliance, imperial units should be converted.

Once label approval is granted, exporters should have their local agents prepare stick-on Thai labels and despatch them so that they can be applied to products prior to entry. Note that industrial food items imported by food service outlets or manufacturers themselves to be used as ingredients or materials for food processing shall be exempted from product registration and labeling regulations.

In shipping the products, U.S. exporters should remember that Thailand is a tropical country where few cold storage facilities exist. Hence, proper precautions should be made with regard to product packaging.

For customs clearance of processed food, there is no additional documentation that exporters should provide other than normal shipping documents. Note however, that raw, fresh, chilled or frozen foodstuffs e.g. meat, vegetables and fruits are subject to other regulations. In such cases, additional certification i.e. phytosanitary certificate and health certificate issued by the relevant U.S. authorities are required. Otherwise, the products will not be released from the



Customs House.

Another critical issue is trademark registration. To obtain trademark protection, U.S. exporters should have their trademark registered in Thailand prior to export. As the local regulatory environment is complicated and an applicant is required to have an address in Thailand, we recommend that exporters appoint a local consultant to proceed with the registration on their behalf.

To get started in a new market is challenging, especially for new exporters. Initial visits to the market for industry information and regulatory information in addition to personal interaction with potential business partners/clients are recommended. A visit to the Agricultural Office of the U.S. Embassy in Bangkok can be helpful to get started as we can provide many in-market support services.

## **H. APPENDIX A: MAJOR REGULATORY AGENCIES**

### **H. FOOD AND DRUG ADMINISTRATION, MINISTRY OF PUBLIC HEALTH**

#### **H. Import License, Product Registration and Label Approval**

Director  
Food Control Division  
The Food and Drug Administration  
Tivanont Road, Muang  
Nonthaburi 11000  
Tel. (662) 590-7178  
Fax (662) 591-8460

#### **H. Food Products from Animals**

The Food and Drug Administration  
Tivanont Road, Muang  
Nonthaburi 11000  
Tel. (662) 590-7207/8

#### **H. Food Products from Plants**

The Food and Drug Administration  
Tivanont Road, Muang  
Nonthaburi 11000  
Tel. (662) 590-7023

#### **H. Chemicals and Food Additives**

The Food and Drug Administration  
Tivanont Road, Muang  
Nonthaburi 11000  
Tel. (662) 590-7209, 590-7219

#### **H. Food for Special Purposes and Food Supplement**

The Food and Drug Administration  
Tivanont Road, Muang  
Nonthaburi 11000  
Tel. (662) 590-7205, 590-7098

**H.     Other Food Products**

The Food and Drug Administration  
Tivanont Road, Muang  
Nonthaburi 11000  
Tel. (662) 590-7220

**H.     Food Inspection**

Inspection Division  
The Food and Drug Administration  
Tivanont Road, Muang  
Nonthaburi 11000  
Tel. (662) 590-7323  
Fax (662) 591-8477

**DEPARTMENT OF MEDICAL SCIENCES, MINISTRY OF PUBLIC HEALTH**

**H.     Food Analysis**

Food Analysis Division  
Department of Medical Sciences  
Soi Bumratnaradul Hospital  
Muang, Nonthaburi 11000  
Tel. (662) 951-0000 Ext. 9561  
Fax (662) 951-1023

**H.     DEPARTMENT OF FOREIGN TRADE, MINISTRY OF COMMERCE**

**H.     Import Control**

Commodity Trade Division  
Department of Foreign Trade  
Rajadamneon Road  
Bangkok 10200  
Tel. (662) 282-7315  
Fax (662) 282-0827

Commodity Division I  
Department of Foreign Trade  
Rajadamneon Road  
Bangkok 10200

Tel. (662) 629-1675/6

Fax (662) 281-9456

Grain Division

Department of Foreign Trade

Sanamchai Road

Bangkok 10200

Tel. (662) 226-1564

Fax (662) 622-1760

**H.     Application for Import Permit**

Foreign Trade Services Center

Department of Foreign Trade

Rajadamneon Road

Bangkok 10200

Tel. (662) 281-6767

Fax (662) 282-0826

**DEPARTMENT OF LIVESTOCK, MINISTRY OF AGRICULTURE AND  
COOPERATIVES**

**H.     Animal Quarantine (Livestock and Carcasses)**

Director

Disease Control Division

Department of Livestock

Phyathai Road

Bangkok 10400

Tel. (662) 252-5967

Fax (662) 252-5967

Bangkok Seaport Animal Quarantine Station

Klong Toey Port

Bangkok 10110

Tel. (662) 249-1221

Fax (662) 249-4388

Bangkok Airport Animal Quarantine Station

Don Muang

Bangkok 10900

Tel. (662) 535-1546, 535-1210

Fax (662) 535-1546, 535-1210

**DEPARTMENT OF FISHERIES, MINISTRY OF AGRICULTURE AND COOPERATIVES**

**H.     Marine Animals**

Chief of Fisheries Administration & Management Section  
Fisheries Resources Conservation Division  
Department of Fisheries  
Kasetsart University, Chatuchak  
Bangkok 10900  
Tel. (662) 562-0600/15 Ext 3509  
Fax (662) 562-0528

**DEPARTMENT OF AGRICULTURE, MINISTRY OF AGRICULTURE AND COOPERATIVES**

**H.     Plant Quarantine**

Plant Quarantine Subdivision  
Agricultural Regulatory Division  
Department of Agriculture  
Chatuchak, Bangkok 10900  
Tel. (662) 940-6573, 940-6670 Ext. 108  
Fax (662) 579-4129

Plant Quarantine Control Post  
Cargo Building  
Donmuang Airport  
Bangkok 10900  
Tel. (662) 535-1435  
Fax (662) 523-6622

**H.     **EXCISE DEPARTMENT, MINISTRY OF FINANCE****

**H.     License of Alcoholic Beverages**

License Subdivision  
Bureau of Tax Administration 1  
Excise Department  
1488 Nakhon Chaisri Road  
Bangkok 10300

Tel. (662) 243-0525

**DEPARTMENT OF INTELLECTUAL PROPERTY, MINISTRY OF  
COMMERCE**

**H.     Application for Patent and Trademark**

Services and Information Division  
Department of Intellectual Property  
338 Rachadapisek Road  
Huay Kwang, Bangkok 10320  
Tel. (662) 275-4854  
Fax (662) 276-0061

**H.     CUSTOMS DEPARTMENT, MINISTRY OF FINANCE**

**H.     Import Formalities**

Import Formalities Division  
Customs Department  
Klong Toey, Bangkok 10110  
Tel. (662) 249-4102  
Fax (662) 249-4102

**H.     Legal Affairs**

Legal Affairs Bureau  
Customs Department  
Klong Toey, Bangkok 10110  
Tel. (662) 671-7560 Ext. 9310, 9311  
Fax (662) 671-7626

## **H. APPENDIX B: LOCAL CONTACTS**

### **H. U.S. EMBASSY**

Foreign Agricultural Services  
American Embassy  
Room 401, 4 th Fl., Diethelm Tower A  
93/1 Wireless Road  
Bangkok 10330  
Tel. (662) 205-5106  
Fax (662) 255-2907

### **H. CODEX CONTACT**

Ms Metanee Sukontarug  
Director  
Office of the Nation Codex Alimentarius Committee  
Thai Industrial Standards Institute  
Rama 6 Road, Rajathevee  
Bangkok 10400  
Tel. (662) 202-3440, 246-4251  
Fax (662) 248-7987

### **H. AMERICAN CHAMBER OF COMMERCE**

7 th Fl., Kian Gwan Building 1  
140 Wireless Road  
Bangkok 10330  
Tel. (662) 251-9266/7, 251-1605, 651-4473  
Fax (662) 255-2454

### **H. U.S. DAIRY EXPORT COUNCIL**

Southeast Asian Representative Office  
U.S. Dairy Export Council  
Pacrim Associates Limited  
2 nd Fl., Regent Hotel  
155 Rajadamri Road  
Bangkok 10330

Tel. (662) 251-6127

Fax (662) 254-6913

**H. U.S. DRY PEA AND LENTIL COUNCIL**

AgriSource Co.,Ltd.

No. 416, 4 th Fl., Ambassador's Court

76/1 Soi Langsuan

Ploenchit Road

Bangkok 10330

Tel. (662) 251-8655/6, 251-8669, 251-8772

Fax (662) 251-0390

**H. AMERICAN SOYBEAN ASSOCIATION**

Thailand Representative

Level 24 Muang Thai-Phatra Tower 2

252/119 Rachadapisek Road

Huaykwang, Bangkok 10320

Tel. (662) 693-2872/85 Ext. 2111

Fax (662) 693-2886

**H. WASHINGTON APPLE COMMISSION**

208 Soi Ram-Indra 9

Ram-Indra Road

Anusa-waree, Bangkok

Bangkok 10220

Tel. (662) 521-2170, 970-8207

Fax (662) 970-8208



**APPENDIX C: PRODUCT REGISTRATION AND LABEL PERMIT  
APPLICATION FORMS****Product Registration Application Form - *Translation Only***

(Only a Thai application form can be used.)

*Specifically-controlled food* under Ministerial Notification No.....

Trade name in Thai:

In other language:

Category of food:

Type:

Characteristics of food:

Type of Container/Package

Size

List of Ingredient and percentage used

| Name | Quantity | Name | Quantity |
|------|----------|------|----------|
|------|----------|------|----------|

Manufacturing Process:

Manufacturer:

Address:

Importer:

Address:

Production license or Import license No.

Food analysis report from:

Issue Date:

|            |                        |                          |
|------------|------------------------|--------------------------|
| Enclosure: | 1) Product label       | 4 copies                 |
|            | 2) Product sample      | 1 sample                 |
|            | 3) Product instruction | 4 copies (if applicable) |

- 4) Food analysis report 4 copies
- 5) Other supporting documents 4 copies

(Signature).....

## Label Permit Application Form - Translation Only

(Only a Thai application form can be used.)

I,.....(person's name).....on behalf of.....(company's name).....

.....Company's address:

.....

.....

.....

apply for a permit for the enclosed label sample, details of which are as follows:

1. Trade name in Thai:

..... In foreign  
language:.....

1. Characteristics of food...(describe the appearance of the food e.g. liquid)

.....

3. Category of food: ..... as per Ministerial Notification No.....

4. Type of Container/Package

Size

.....

.....

.....

.....

5. Details on manufacturing, repacking or import:

5.1 ☐ Manufacturing license no.: ..... Type: .....

☐ Import license no.: .....Type

.....

☐ Currently applying for a manufacturing or import license, application no.: .....

Date: .....

☐ Production which does not qualify as a manufacturing plant\*

(capacity ..... horse power and no. of workers .....)

5.2 ☐ Name and address of manufacturer:

.....

☐ Name and address of repacking facility:

.....

☐ Name and address of importer:

.....

6. Product ingredients (percentage used)

| Ingredient | Quantity | Ingredient | Quantity |
|------------|----------|------------|----------|
| .....      | .....    | .....      | .....    |
| .....      | .....    | .....      | .....    |

7. Shelf life ..... days

## 8. Other details:

Manufacturing process:

.....  
.....  
.....  
.....  
.....

**F** Translated document of foreign language ..... copies

## 9. Purpose of the label

**F** For retail sales in the Kingdom

**F** For sales to manufacturers (not retail consumers), Type of manufacturer

.....  
**F** For export

10. I will publish the approved label within 60 days from the approval date and will display this label in an easily recognizable color on the package.

## 11. Enclosed herewith are the following documents:

1. Label permit application 5 copies (sign every copy)

2. Label 5 copies

3. Food sample 1 unit

4. Food analysis report 5 copies, including the original (for *specifically-controlled food and standardized food*)

5. Three copies of location map of manufacturing premise (for production not qualifying as a manufacturing plant\*) with specified date of inspection and plant lay-out including details on horsepower and number of workers.

6. Commercial registration, trade registration, or company registration 1 copy

7. Inspection report of manufacturing or repacking facility from a provincial public health office with regard to production capacity and number of workers if the application is made through a provincial public health office.

(Signature).....  
(.....)

Remark: \*A manufacturing plant as defined by the FDA is any manufacturing facility with equivalent use of five horsepower machinery or more, or with seven staff or more.